

III. REMARKS

Claims 1-33 are pending in this application. By this amendment, claims 1, 8, 15, 22 and 27 have been amended. These amendments are being made to facilitate early allowance of the presently claimed subject matter. Applicants do not acquiesce in the correctness of the rejections and reserve the right to present specific arguments regarding any rejected claims not specifically addressed. Further, Applicants reserve the right to pursue the full scope of the subject matter of the original claims in a subsequent patent application that claims priority to the instant application. Reconsideration in view of the following remarks is respectfully requested.

Entry of this Amendment is proper under 37 C.F.R. 1.116(b) because the Amendment: (a) places the application in condition for allowance as discussed below; (b) does not raise any new issues requiring further search and/or consideration; and (c) places the application in better form for appeal. Accordingly, Applicants respectfully request entry of this Amendment.

In the Office Action, claims 1-21 and 27-33 are rejected under 35 U.S.C. §112, first paragraph, as allegedly failing to comply with the written description requirement. Claims 7, 17, 14, 25 and 33 are rejected under 35 U.S.C. §112, first paragraph, as allegedly failing to comply with the enablement requirement. Claims 1, 2, 6, 8, 9, 13, 15, 16, 18, 27, 28 and 32 are rejected under 35 U.S.C. §102(e) as allegedly being anticipated by Leung *et al.* (U.S. Patent Pub. No. 2003/0046270), hereafter “Leung.” Claims 4-5, 11-12, 20-21, 22-24 and 30-31 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Leung in view of Microsoft Windows NT Server Administrator’s Bible: Option Pack Edition, hereafter “Bible.” Claims 3, 10, 19 and 29 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Leung in view of Armitano *et al.* (U.S. Patent Pub. No. 2004/0230795), hereafter “Armitano.”

A. REJECTION OF CLAIMS 1-21 AND 27-33 UNDER 35 U.S.C. §112, FIRST PARAGRAPH

The Office has asserted that claims 1-21 and 27-33 contain subject matter which was not described in the specification in such a way as to convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention. Specifically, the Office objects to the limitation “...in case that a storage cell that is identified based on a geographical parameter is not optimal,” in independent claims 1, 8, 15, 22 and 27. In response, Applicants respectfully submit that the background portion of the original specification describes current enterprise storage systems such as the Global Storage Architecture (GSA) in which “...files are stored based on geographic parameters.” Para. 0003. The section further states that such storage might not make the best use of the overall system because one cell may be nearing its capacity while another is virtually empty because “...none of the existing technologies take performance-based parameters such as storage capacity, user requirements, etc., into consideration when selecting a file sharing location.” Para. 0004. It is in keeping with this background that the passage of the specification may be read, which recites “...if storage cell 14A is closest geographically to user 12, but is close to capacity, storage grid manager 24 might route the request to storage cell 14B.” Para. 0025. To this extent, the original specification provides at least one embodiment in which an optimality of a storage cell that is geographically the closest to the user making the request is determined prior to other factors being taken into account. Thus, Applicants assert that the above limitation is sufficiently described in the specification. Accordingly, Applicants request that the rejection be withdrawn.

B. REJECTION OF CLAIMS 7, 17, 14, 25 AND 33 UNDER 35 U.S.C. §112, FIRST PARAGRAPH

The Office has asserted that claims 7, 17, 14, 25 and 33 contain subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Specifically, the Office cites the limitation "...wherein the requests are routed to the selected storage cells in identical communication protocols in which the requests are received by the storage grid manager," stating that there is no explanation how this is done. Applicants respectfully submit that the process is described in sufficient detail in paragraphs 0023-0026.

Specifically, the request is "transmitted to web server and/or application server, and from there to a respective 'protocol' server." Para. 0023. Examples of respective protocol servers include the following protocols: FTP, HTTP, CIFS, NFS, SMB, etc. From the respective protocol server, the request "will be routed to storage grid manager (e.g., to one [of] a possible group of storage grid managers)." Par. 0024. To this extent, the respective protocol server routes the request to a storage grid manager using a particular protocol. See also FIG. 1, in which requests using different protocols are transmitted to one of three protocol servers based on the protocol and from there to the storage grid managers. The request may then be routed from the storage grid manager to the selected storage cells using the same protocol or a private protocol. Thus, Applicants assert that the above limitation is sufficiently described in the specification. Accordingly, Applicants request that the rejection be withdrawn.

C. REJECTION OF CLAIMS 1, 2, 6, 8, 9, 13, 15, 16, 18, 27, 28 AND 32 UNDER 35 U.S.C. §102(e)

With regard to the 35 U.S.C. §102(e) rejection over Leung, Applicants assert that Leung does not teach each and every feature of the claimed invention. For example, with respect to independent claims 1, 8, 15 and 27, Applicants respectfully submit that Leung fails to teach requests for storing files from users that are remote from storage cells of the enterprise storage system, wherein the selected storage cells are identified based on at least one predetermined performance parameter in case that a storage cell that is identified based on a geographical parameter is not optimal. The Office cites a passage of Leung, which teaches

the constraint information may be set to LOCAL (e.g., location constraint information for placement rules 308-1 and 308-6) which implies that data file will be stored on a local storage device (local to the device used to create the data file) and will not be moved or migrated to another storage device. Para. 0076, lines 10-16.

Interpreting Leung solely for the purpose of this response, to the extent that a geographical determination may be made, the device upon which the data file is stored when the constraint information is set to LOCAL is local to the device used to create the data file, e.g., the local hard drive, and as such, is not a remote from the request or from the user making the request.

The claimed invention, in contrast, includes “...receiving requests for storing files from users that are remote from storage cells of the enterprise storage system, and for routing the requests to storage grid controllers associated with selected storage cells of the enterprise storage system where the files will be stored, wherein the selected storage cells are identified based on at least one predetermined performance parameter in case that a storage cell that is identified based on a geographical parameter is not optimal.” Claim 1. As such, in contrast to Leung in which the data file may be stored in a storage device that is local to the device that created the data file,

in the claimed invention all of the storage cells are remote from the user from which the request is made. For the above reasons, the device characteristics of Leung do not teach the selected storage cells of the claimed invention. Accordingly, Applicants request that the rejection be withdrawn.

With respect to dependent claims, Applicants herein incorporate the arguments presented above with respect to the independent claims from which the claims depend. Furthermore, Applicants submit that all dependant claims are allowable based on their own distinct features. Since the cited art does not teach each and every feature of the claimed invention, Applicants respectfully request withdrawal of this rejection.

D. REJECTION OF CLAIMS 3-5, 10-12, 19-21, 22-24 AND 29-31 UNDER 35 U.S.C. §103(a)

With regard to the 35 U.S.C. §103(a) rejections over Leung in view of Bible and Leung in view of Armitano, Applicants submit that the combined features of the cited art fail to teach each and every feature of the claimed invention. For example, with respect to independent claim 22, as argued above with respect to independent claims 1, 8, 15 and 27, Leung fails to teach or suggest a geographically separated enterprise storage system. Furthermore, with respect to independent claim 22, as argued above with respect to independent claims 1, 8, 15 and 27, Leung also fails to teach or suggest the selected storage cells are identified based on at least one predetermined performance parameter in case that a storage cell that is identified based on a geographical parameter is not optimal. Bible does not cure this deficiency. Accordingly, Applicants respectfully request that the Office withdraw its rejection.

With regard to the Office's other arguments regarding dependent claims, Applicants herein incorporate the arguments presented above with respect to independent claims listed above. In addition, Applicants submit that all dependant claims are allowable based on their own distinct features. However, for brevity, Applicants will forego addressing each of these rejections individually, but reserve the right to do so should it become necessary. Accordingly, Applicants respectfully request that the Office withdraw its rejection.

VI. CONCLUSION

In addition to the above arguments, Applicants submit that each of the pending claims is patentable for one or more additional unique features. To this extent, Applicants do not acquiesce to the Office's interpretation of the claimed subject matter or the references used in rejecting the claimed subject matter. Additionally, Applicants do not acquiesce to the Office's combinations and modifications of the various references or the motives cited for such combinations and modifications. These features and the appropriateness of the Office's combinations and modifications have not been separately addressed herein for brevity. However, Applicants reserve the right to present such arguments in a later response should one be necessary.

In light of the above, Applicants respectfully submit that all claims are in condition for allowance. Should the Examiner require anything further to place the application in better condition for allowance, the Examiner is invited to contact Applicant's undersigned representative at the number listed below.

Respectfully submitted,



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